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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,033	10/26/2006	Philippe Bonny	203.802	3269
37004	7590	11/01/2007		
POWER DEL VALLE LLP 233 WEST 72 STREET NEW YORK, NY 10023			EXAMINER MISA, JOAN D	
			ART UNIT 4155	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,033	BONNY ET AL.	
	Examiner	Art Unit	
	Joan D. Misa	4155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 122006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because applicant has failed to provide the proper filing date of the foreign application listed as Serial No. 451/04 (as shown below).

Serial No.	Filing Date	Country	Priority Claimed	
			Yes	No
451/04	17 March 2005	Switzerland	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Specification

2. The disclosure is objected to because the phrase on page 1 line 26 of the specification, which states "... invention principles as defined in claim 1", is unacceptable. The specification should not refer to a specific claim number because the claim number may be cancelled or amended. Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because figure 1 include reference character "2" not mentioned in the description. To the examiner's best understanding, "2" refers to a "base" as

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disclosed on page 2 line 22 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "grooves and ribs" must be shown or the feature(s) canceled from claim 4. No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and

appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 1 is objected to because "the sleeve" in line 5 should be "a sleeve". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

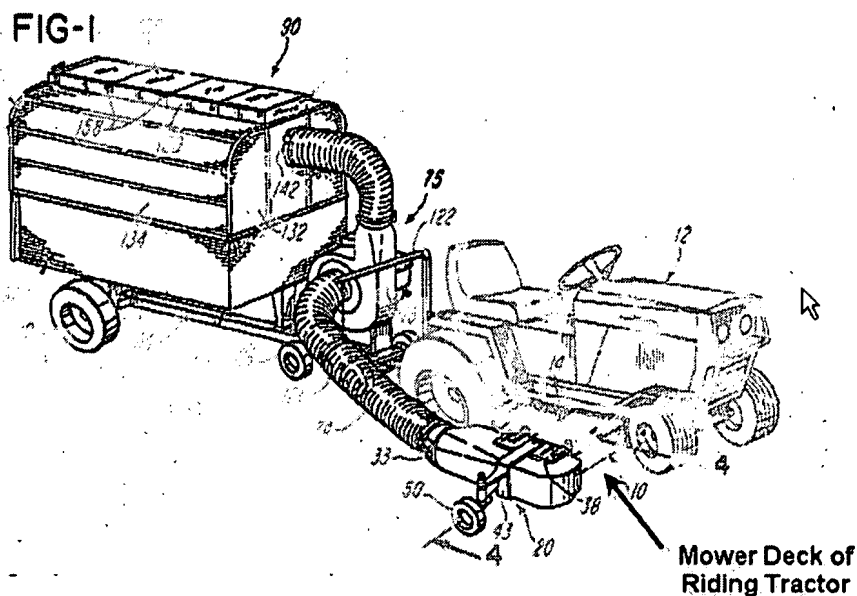
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonny et al. (WO 02/091863 A1) in view of Parker et al. (U.S. Patent No. 4,761,943).**

a. In regards to Claim 1, Bonny et al. teaches a "leaf stripper with a frame (Fig. 1 and Fig. 2, 1) having a circular housing (5 and 11) inside which a blade turbine (8) and a blade (6) are mounted rotating on a shaft (7) which is connected to a motor (10), characterized by an apertured plate (2) with openings (3) is mounted on the upper part of the frame and on the blade, the plant to be stripped is positioned on the apertured plate during leaf stripping through the sleeve (13) with an exit opening (opening on 13), mounted on the side of the frame..."

b. Bonny et al. does not expressly disclose a "suction device... mounted on the sleeve."

c. However, Parker et al. discloses a mower, which further includes a suction device (Fig. 1, "vacuum-blower unit" 75) mounted on the sleeve mounted on the side of the cutting device. The suction device as taught by Parker et al. allows the clippings to be collected and sent to a bag (bags installed in "cart" 90) to collect the clippings.



Reproduced from U.S. Patent No. 4,761,943.

- d. Bonny et al. and Parker et al. are analogous art in that both are from the field of endeavor of harvesters and in particular, both are cutting devices that produce debris that needs to be disposed of.
- e. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the leaf stripper of Bonny et al. to include the suction device with the bag taught by Parker et al. in order to improve the transportation of the stripped leaves from the housing and to provide a temporary storage for collecting the debris or leaves.
- f. In regards to Claim 3, Bonny et al. further teaches an apertured plate (Fig. 2, 2) that has parallel openings (parallel openings 3 accomplished by the parallel positioning of bars 4).

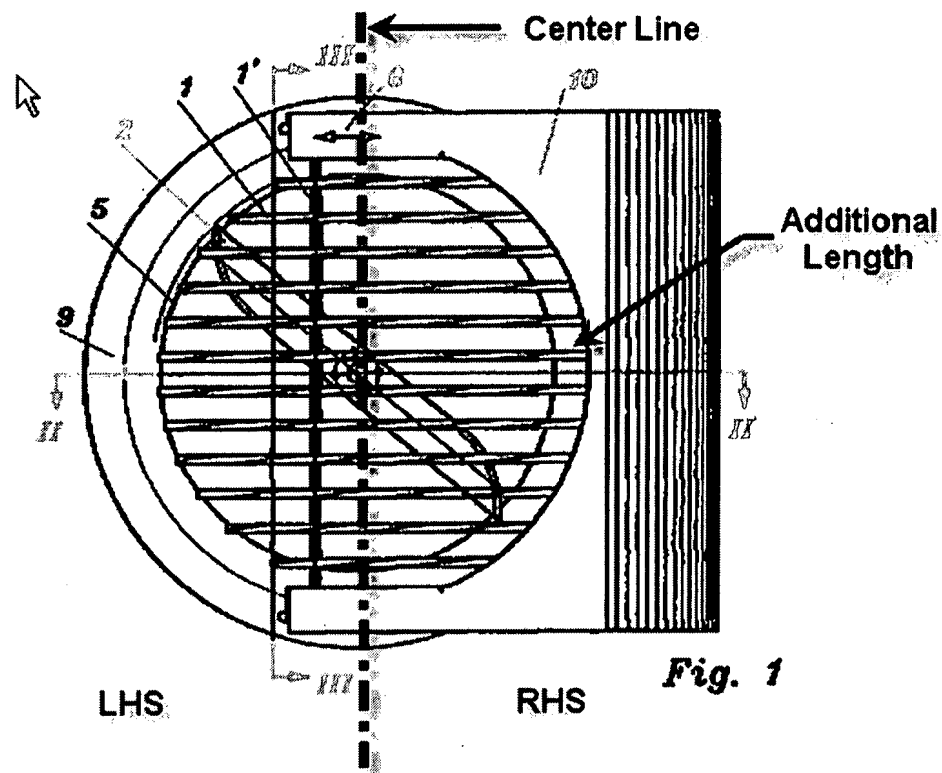
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g. In regards to Claim 4, the examiner views the long narrow opening as grooves and the rods can be considered to be ribs. Bonny et al. teaches "an apertured plate (Fig. 2, 2) that has guiding grooves (3) and ribs (4)."

8. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonny et al. and Parker et al. as applied to claim 1 above, and further in view of Petry (EP 0894429 A1)

a. The combination of Bonny et al. and Parker et al. discloses the leaf stripper device of claim 1 as set forth above. However, the combination above does not expressly disclose an apertured plate with "rods [that] are longer on one side."

b. Petry discloses a leaf stripper, which includes "an apertured plate (Fig. 1, 9 and 5) that has straight rods (1 and 1') which forms a grill (1 and 1') and whose rods are longer on one side ...". When comparing the length of the rods, the right hand side (RHS) is longer than the left hand side (LHS) as provided by the centerline in figure 1 below.



Modified Figure 1 of EP 0894429 A1

c. The above combination and Petry are analogous art in that both are from the field of endeavor of harvesters and in particular, leaf cutting devices.

d. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the leaf stripper and suction device of the above combination to include the apertured plate having longer rods on one side as an alternate design.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan D. Misa whose telephone number is (571) 270-3745. The examiner can normally be reached on Monday - Friday, 8:00am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Victor Batson
Supervisory Patent Examiner
Art Unit 4155

JM
10/22/2007